



# Australian Bureau of Statistics

## 2967.0 - Information Paper: Parliamentary Inquiry into the Treatment of Census Forms: Submission from the Australian Bureau of Statistics, 1997

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## Summary

### About this Release

This paper is a submission from the ABS to the House of Representatives Standing Committee on Legal and Constitutional Affairs.

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## Overview

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### OVERVIEW

#### THE BASIC ISSUE

In order to conclude that the population census forms should be retained, the Committee has to take the view that:

- the value of the benefit for medical, social and genealogical research in 75 or 100 years time exceeds

- the reduction in the value/quality of the census data and other official statistics for current and future use, and the costs associated with retention.

The Committee should be aware that the Director-General of the Australian Archive, who addressed the same question for the 1996 Census, said on 18 February 1994 that

"A disposal authority allowing the destruction of name-identified records for 1996 and beyond will be issued. If circumstances alter for subsequent Census records then these disposal arrangements can be reviewed".

Therefore, the Committee would need to be convinced that significant changes in circumstances had occurred, before it recommended the practice of form destruction, adopted and endorsed by successive governments, be altered.

ABS considers there have been no significant changes in circumstances which would warrant any change in the current policy of census form destruction. Indeed to the contrary, new evidence shows that public opposition to the retention of census forms is very much higher than expected. This evidence reinforces the judgement that that if census forms were kept the cooperation of the public, in terms of the level of response in the census and the quality of data provided, would suffer. Very serious implications follow for all users of census data and other official statistics, particularly for users of population estimates. Serious impacts would be likely on electoral redistribution's, on the distribution of funds to the States and Territories, and for the host of government and private sector organisations who use census data for a variety of purposes, including infrastructure planning, service delivery, and program evaluation.

## **CURRENT ISSUE**

The current practice is for census forms to be destroyed once statistical processing is completed. For about 12-18 months following the census the data on the forms is electronically captured, edited and the original responses coded into statistical classifications (eg industry, occupation, qualifications, family type). Names and addresses are not kept or put onto the computer record. Once these processes are completed the forms are pulped and then recycled.

The Australian Bureau of Statistics (ABS) retains a complete, electronic copy of the unidentified statistical information relating to each person responding to the census. This computer file is used to produce statistical tables and other products from the census. The computer file is kept permanently.

## **HOW DID THE CURRENT PRACTICE START**

Prior to 1971, census forms were retained for a time until it was judged they would not be required for any further cross-tabulations which might appear worthwhile after the initial analysis. Only forms for the two previous censuses were retained at any one time.

In 1971 the then Treasurer (Mr Snedden) ordered the destruction of all census forms held by the ABS. He also directed that the census forms for the forthcoming 1971 Census be destroyed as soon as the information contained in them had been transferred to magnetic tape. He reassured the public that names and addresses on the census forms would not be transferred to the tape.

This action was prompted by privacy concerns. These had been stimulated by the newly

formed Australia Party, which had attacked the requirement for names and addresses on census forms, and by earlier publicity about anti-census campaigns overseas.

Since then, successive governments have consistently maintained the policy of destroying census forms in Ministerial Statements to Parliament announcing the conduct of the Census (for example 20 November 1979, 25 February 1985, 4 May 1989; and 20 September 1994).

## **EFFECTS OF RETENTION OF CENSUS FORMS**

### **Privacy is a sensitive issue for many Australians**

The initial decision in 1971 that census forms be destroyed was driven by a public campaign on privacy issues led by a new political party, the Australia Party. The public debate on the Australia Card that took place in the 1980's shows how easily the population's attitudes can be inflamed over privacy concerns - the privacy climate can change very quickly. Market research commissioned by ABS before each census over the past 20 years identified privacy and confidentiality as key issues of public concern that needed to be addressed in the public relations campaign.

### **There is significant public opposition to the retention of census forms**

Recent research commissioned by the ABS, and conducted by AGB McNair after the 1996 Census, indicates that there is significant public opposition to the retention of census forms. Key findings of the research are:

- 89% of respondents agreed that "Census forms should be destroyed to protect people's privacy and confidentiality";
- 67% disagreed that "Census forms should be stored for release in future for research purposes";
- Between 34% and 45% said they would be less likely to complete a Census form if forms were kept for release at some time in the future;
- Between 38% and 49% said the information on the Census form would be less accurate if forms were kept for release;
- 73% disagreed that "Researchers should be given access to Census forms including names and addresses".

These findings are consistent with the qualitative evidence obtained from ABS consultations with the community about the census, feedback from census collectors and other empirical indicators of community attitudes to privacy and confidentiality, such as the increasing proportion of people and households opting to use privacy envelopes.

## **THE ACCURACY OF CENSUS DATA WOULD BE ADVERSELY AFFECTED**

The research suggests that if census forms were retained ABS could expect a significant reduction in the level of public cooperation in the census. Non-response rates of the order of 10% or more are possible and, should civil liberty and privacy groups mount a substantial campaign, they could be even higher - it should be remembered that the AGB McNair research was conducted following the 1996 Census, a census which ran smoothly with only a low key privacy debate. A reduction in the quality of data provided by householders could also be expected.

This would be disastrous for the census. A high level of non-response would significantly

reduce the quality of all census data and, most importantly, the accuracy of the crucial State/Territory population estimates over the intercensal period.

## **THE QUALITY OF OTHER ABS STATISTICS MAY ALSO BE ADVERSELY AFFECTED**

ABS is concerned that a change in the policy on census form retention could undermine confidence in the community, or in parts of the community, about ABS resolve to protect the confidentiality of other data that it collects. There is no doubt the high level of cooperation that ABS receives in all its statistical activities, which in turn underpins the high quality of Australian statistics, is based in no small part on the trust the respondents have in the ABS.

The ABS has a very solid compact with its respondents: response rates are very high and respondents provide accurate data, and in turn the confidentiality of the data is completely protected. This level of cooperation is the envy of most overseas statistics agencies, and it should not be put at risk by any reduction in the public's confidence in the ABS.

## **IMPACT ON ELECTORAL DISTRIBUTION**

In 1975, the High Court held that the Constitution required that the population of the various States needed to be ascertained during the life of each ordinary Parliament for the purpose of determining the number of members from each State in the House of Representatives.

An opinion of the then Law Officers, Attorney-General (Mr Ellicott) and Solicitor-General (Mr Byers), on the High Court decision in February 1976 said:

".... it necessarily follows that the State's respective populations **be reliably determined** (emphasis added). For this some method of counting the population such as a periodical census is essential."

The Law Officers' opinion led to the provisions in the **Census and Statistics Act, 1905** which require 5-yearly censuses, and quarterly population estimates.

On the question of accuracy of population estimates in the context of quinquennial censuses, the Law Officers said:

"The temporal disparity between quinquennial censuses and triennial elections means that the statistical population estimates which are based on the antecedent census tend to become unreliable and thus to afford ground for a court to hold the number of each State's members in the Representatives is not in fact in proportion to its population."

The accuracy of State population estimates relies in large measure on the accuracy of the census counts. If the retention of census forms led to poor quality population counts from the census, then the accuracy of the State/Territory population estimates would be certainly reduced, perhaps significantly.

The Law Officers' opinion would suggest that a reduction in the accuracy of State/Territory population estimates could afford ground for the High Court to hold that the number of each State's members in the House of Representatives is not in proportion to its population, as required by the Constitution. The consequences of such a serious possibility would need to be taken into account in any consideration of census form retention.

## **IMPACT ON THE DISTRIBUTION OF STATE GRANTS**

State/Territory population estimates are used in the distribution of about \$21 billion each year in the Commonwealth Grants to the States. Current inaccuracies in those estimates already are a matter for concern amongst some of the States and Territories. Increased inaccuracy would be viewed very unfavourably.

## **OTHER IMPORTANT USES OF CENSUS DATA WILL BE ADVERSELY AFFECTED**

There are many other important uses made of census data and the related State/Territory population estimates. They are used by many government agencies in the planning, delivery and evaluation of services to regions and to various population groups such as migrants, the aged, children, and Indigenous peoples. They are also used extensively by business and community groups for their planning and research.

### **Privacy concerns relating to storage and use**

Perceptions about the capacity of computers to store and manipulate vast amounts of information, and fears about data matching, contribute to an increasing concern in the community about confidentiality and privacy.

Fears about potential future mis-use of census information will fuel these concerns. As the former Privacy Commissioner, Mr O'Connor put it

" However strong the assurances initially given about confidentiality during the "closed access" period, the Bureau would inevitably come under severe pressure to make exceptions for other public interests." (Sydney Morning Herald, 12 July 1996).

Examples of past mis-use and pressure on the US Census Bureau over the years to release confidential census data given in this submission (Section 7.3) would certainly heighten these concerns.

### **The 'value' of keeping name-identified census records**

In the past no demand has been put to the ABS for the use of census forms for medical or historical research.

ABS considers no substantive case has yet been made for the use of census forms for genealogical research which demonstrates substantial social and community benefit. ABS believes there are many other sources of information which will be accessible to the public in 100 years, which should satisfy family history research needs.

### **Can retention of census forms be 'sold' in terms of special interest for the centenary of Federation?**

Obviously all the privacy issues raised above apply to the 2001 Census. Therefore, the basic question still has to be addressed for the 2001 Census. Two additional points arise. Does the research value of the 2001 Census forms increase due to the fact that the census will coincide with the centenary of Federation? On the cost side, can a special case be made for the government to meet the costs of retaining those census forms in terms of the special interest for the centenary of Federation?

The AGB McNair study showed that 89% of the Australian public agrees that "census forms should be destroyed to protect people's privacy and confidentiality", and 73% disagreed that "researchers should be given access to census forms including names and addresses". In

order to run the 2001 Census of a similar quality to previous censuses the ABS would have to mount a successful campaign to convince about three-quarters of Australians to change their mind, based on the importance to the community of the centenary of Federation. If the ABS were only 80% successful in this task, which in itself would be a remarkable achievement, then 15% of the public would be likely either to not respond or to respond poorly in the census. In either case, the value of the census would be severely diminished.

ABS considers that a public relations campaign based on the importance of the centenary of Federation is unlikely to succeed.

It is also difficult to see how, should a precedent be established in 2001 for the centenary of Federation or for some other reason, it could be argued in a subsequent census that forms should not be retained.

### **Costs of retention**

The retention of census forms would involve significant additional costs to the ABS to conduct the census, and for the long term administration and management of the stored records, including providing a right of access as is required by the Privacy Act, 1983.

Also, it is doubtful that the level of future access in 75 or 100 years would be sufficient to meet the costs of retention. ABS sees no reason for government to provide what in effect would be a substantial government subsidy to support what is essentially private research.

### **CONCLUSION**

The evidence shows there is significant public opposition to the retention of census forms. This evidence also shows that if census forms were kept, the cooperation of the public in terms of the level of response in the census and the quality of data provided would suffer.

Very serious implications follow for all users of census data and other official statistics, particularly for users of population estimates. Serious impacts would be likely on electoral redistribution's, on the distribution of funds to the States and Territories, and for the host of government and private sector organisations who use census data for a variety of purposes, including infrastructure planning, service delivery, and program evaluation.

The value for research purposes of retaining census forms is tenuous, at best.

Many judgements have been made over the years supporting the destruction of census forms by:

- the current and previous Director-Generals of Australian Archives, following independent investigations of the value and costs of retaining census forms from the 1986, 1991 and 1996 Censuses,
- successive Federal Governments, starting with a decision by Mr Sneddon in 1971 and including a decision in 1979 by the then Treasurer, Mr Howard, to reject a recommendation from the Australian Law Reform Committee for census form retention,
- the previous Privacy Commissioner,
- the Australian Statistics Advisory Council, and

- all recent Australian Statisticians.

In the view of the ABS, there have been no significant changes in circumstances which would warrant any change in the current policy of census form destruction. Indeed to the contrary, the AGB McNair research conducted after the 1996 Census suggests community opposition to any change in policy is now stronger than ever.

The ABS strongly holds the view that all information in the form of name-identified or identifiable documents containing information collected under the **Census and Statistics Act, 1905** should be defined as exempt from the provisions of the Archives Act. The retention of census forms or identified statistical records raises significant privacy issues. The retention of census forms would also have a significant impact on the capacity of the ABS to conduct an effective census, and indeed all its other statistical collection activities. For these reasons the ABS considers that decisions on the destruction or retention of census forms are matters for the Government and the Parliament.

ABS considers the best way of ensuring this is for:

- the **Archives Act** to be amended to exempt all confidential information obtained pursuant to the **Census and Statistics Act, 1905**, and
- the **Census and Statistics Act, 1905** to be amended to make it mandatory for census forms (and other statistical forms) to be destroyed after the statistical data have been extracted.

**Australian Bureau of Statistics**  
**July 1997**

## **INTRODUCTION**

### **THE BASIC ISSUE**

In order to conclude that the population census forms should be retained, the Committee has to take the view that:

- the value of the benefit for medical, social and genealogical research in 75 or 100 years time exceeds
- the reduction in the value/quality of the census data and other official statistics for current and future use, and the costs associated with retention.

The Committee should be aware that the Director-General of the Australian Archive, who addressed the same question for the 1996 Census, said on 18 February 1994 that:

"A disposal authority allowing the destruction of name-identified records for 1996 and beyond will be issued. If circumstances alter for subsequent Census records then these disposal arrangements can be reviewed".

Therefore, the Committee would need to be sure that significant changes in circumstances

had occurred, before it recommended the practice of form destruction, adopted and endorsed by successive governments, be altered.

## BACKGROUND

### BRIEF DESCRIPTION OF CENSUS

#### What is the Census?

The Census of Population and Housing is the largest statistical collection undertaken by the ABS. The census is conducted every 5 years and the information is generally collected by self-enumeration. The forms are filled out by all householders in Australia, with only limited help from census collectors.

The main objective of the census is to measure the number and key characteristics of people in Australia on census night. This provides a reliable basis to estimate the population of each State, Territory and local government area, primarily for electoral purposes (including the determination of the number of seats allocated to each State and Territory in the House of Representatives) and for the distribution of government funds. The census also provides the characteristics of the Australian population and its housing for small geographic areas and small population groups. This information supports the planning, administration and policy development of governments, business and other users.

#### Who is counted?

The census includes all people in Australia on census night, with some exceptions. Foreign diplomats and their families are excluded, as are foreign crew members on ships. Visitors to Australia are counted regardless of how long they have been in the country or how long they plan to stay.

Australian residents out of the country on census night are generally not included in the census unless they have left the country without being required to undertake departure formalities (for example, naval personnel on board ships away from Australia).

Since 1996, the territories of Cocos (Keeling) Islands and Christmas Island have been included in the census.

#### When is the Census held?

Since the 1961 Census, Australia has had a census taken every five years. A 1977 amendment to the **Census and Statistics Act, 1905** requires that 'the census shall be taken in the year 1981 and in every fifth year thereafter, and at such other times as prescribed'. This amendment followed a 1975 decision of the High Court on the **Representations Act, 1905** (see Section 3.5 for details).

The last census was held on Tuesday, 6 August, 1996.

#### What is the basis of the Census?

While the Census collects information relating to each person and household in Australia, it is run primarily on a household basis. It aims to capture information for all members of a household staying at a particular address on census night. It is not a family-based collection



as more than one family can share a household and, generally, information about family members absent on census night are not included with the family census record.

Each household is asked to fill in the details required on the census form - this is done either by one householder, on behalf of the other householders, or by each person in the household. The household form contains space for up to six people.

Personal forms are available to supplement the household form where there are more than six members of the household, or where members of the household, or visitors to the household, require privacy.

Interview-based forms are used in the enumeration of some of the Indigenous population, generally in outback areas.

### **What data are collected?**

Since the first national census in 1911, the content of censuses has varied to reflect contemporary data needs. Many topics have been included in each census in that time (for example, age, marital status and religion).

In the 1996 Census, a total of 52 questions was asked on the following topics:

Name

Basic Demography (sex and age, relationship to person one on the form, marital status, usual residence at census time, address of usual residence one and five years ago, number of children ever born)

Religion (an optional question)

Ethnicity (citizenship, Aboriginal/Torres Strait Islander origin, country of birth, year of arrival, country of birth of parents, language spoken at home/proficiency in English)

Education (attendance at an educational institution, age left school, educational qualifications)

Labour force (labour force status, occupation, industry, hours worked)

Transport (journey to work, mode of travel to work)

Income (individual)

Additional topics relating to households and dwellings were also included (including motor vehicles, number of bedrooms, nature of occupancy, rent, housing loan repayments, and questions to enable the classification of dwelling type and location).

Only the question on religion was optional, as provided by Section (14) (2), **Census and Statistics Act, 1905**.

Name and address information is used to help in the management and operations of the census. It is also used with the results of a small survey taken immediately after the census to check how many people were missed in the census and how many were counted more than once.

Names are also used in the coding of some complex family relationships within households.

Names and addresses are not stored on the computer files, nor are any other identifiers.

### **How are the topics determined?**

The ABS undertakes extensive consultations with both users and members of the public to gather views about what topics should be included in the census. The process begins with the publication of ABS views on census content and an invitation for anyone interested to make a submission on the proposed content and procedures. This is followed by a series of consultation meetings around the country to discuss options.

The recommendations which ABS drafts as a result of these consultations are then considered by the Australian Statistics Advisory Council, prior to the preparation of a submission to the Government. The final decision is one for Government and documents outlining the content and procedures for the next census, along with relevant regulations, are tabled in Parliament.

### **Where are people counted?**

The census counts people where they were on census night and provides a 'snapshot' of the population at that time.

The Australian census is based on actual location, or place of enumeration. The records of persons away from home on census night are not subsequently merged back with their home census form. About 5% of the population are counted at a place other than their usual place of residence.

### **What data are released?**

Once processing of the census forms has been completed, the outcome is a file of coded records for each person, family, household and dwelling enumerated in the census. The file contains no personal or household identifiers.

The ABS releases extensive information from the census in a variety of formats including printed publications, floppy disk, cartridge, magnetic tape and CD-ROM. Some information is also available via on-line services such as the Internet. The releases include community profiles, classification counts, thematic publications and customised tables.

The release of census information is constrained by the confidentiality provisions of the **Census and Statistics Act**. Section (12)(2) requires that the information not be published or disseminated in a manner that is likely to enable the identification of a particular person or organisation. A number of techniques are used to ensure the confidentiality of data that is released, including making random adjustments to counts in statistical tables that are less than four.

### **How long are Census records kept?**

In the past, when statistical information was extracted from census forms manually or by less sophisticated automated means, the forms themselves were crucial for producing new statistical information. Once they were destroyed, the raw data was effectively lost, leaving only the statistical tables that had been prepared. Because of this, the forms were only destroyed when it was believed that no more tabulations would be required.

However, nowadays an electronic record of the 'raw data' is kept. This is made up of the fully coded responses (ie the statistical codes, not the original responses written on the census form) from each individual census form, stripped only of the name and address and other identifiers.

A file of these unidentified unit record data is retained indefinitely. Therefore, it is possible to generate further statistical tables from the file at any time, as required.

This ensures that this invaluable data set continues to be available to support research into the future.

The original, name-identified, census forms are destroyed (they are pulped and then recycled) once the unit record file has been created and the forms are no longer needed for statistical processing. This normally takes place within one and a half years of the Census.

### **Definition of "Census Forms"**

"Census forms" comprise household forms and personal forms:

Household forms:

About 8 million household forms will be used in the next Census. Household forms are used in private dwellings. There is room to provide details for up to six people on a household form.

Each form is 16 pages, in the form of an 8 sheet booklet, approximately 230 mm wide and 330 mm long.

Personal forms:

About 1 million personal forms (including Special Indigenous Personal forms) will be used in the next census. Personal forms are used for people in non-private accommodation like hotels, hospitals etc and where needed in private dwellings. Special Indigenous personal forms are used in mostly remote Indigenous communities.

Each form is 6 pages, in the form of a 3 sheet booklet, approximately 230 mm wide and 330 mm long.

Further information about the conduct and processing of the census is contained in the publication "How Australia Takes a Census" at Attachment 4.

### **History of support for the destruction of census forms**

Successive Australian governments have supported the destruction of census forms

Prior to 1971, census forms were retained for a time until it was judged they would not be required for any further cross-tabulations which might appear worthwhile after the initial analysis. Only forms for the two previous censuses were retained at any one time.

In 1971 the then Treasurer (Mr Snedden) ordered the destruction of all census forms held by the ABS (Commonwealth Treasury, Press Release No. 28, 'Destruction of Census Forms', 1 June 1971 - Attachment 6). He also directed that the census forms for the forthcoming 1971 Census be destroyed as soon as the information contained in them had been transferred to magnetic tape. He reassured the public that names and addresses on the census forms would not be transferred to the tape.

This action was prompted by privacy concerns. These had been stimulated by the newly formed Australia Party, which had attacked the requirement for names and addresses on census forms, and by earlier publicity about anti-census campaigns overseas.

Since then, successive governments have consistently maintained the policy of destroying census forms in Ministerial Statements to Parliament announcing the conduct of the census (for example 20 November 1979, 25 February 1985, 4 May 1989; and 20 September 1994, Attachments 7, 8, 9 and 10 ).

In making these decisions governments have considered relevant such factors as:

- the very real fear that "public confidence in the census, and hence the willingness of individuals to provide full and accurate information about themselves, could be undermined" (see Attachment 6)
- the costs of storage and accessing the forms.

### **Australian Law Reform Commission 'provisional view' rejected**

In 1979 the Australian Law Reform Commission (ALRC) expressed a provisional view in its report **Privacy and the Census** that "identified information should not be destroyed but should be transferred in an appropriate form to Archives" with access forbidden for 75 years.

The then Treasurer (Mr Howard) rejected the ALRC recommendation, making the following statement to the Parliament on 20 November 1979:

"The Government has carefully weighed the arguments for and against the proposal and has decided not to accept it..... The Government believes that it would be inconsistent with the purpose and the guarantee of confidentiality to retain information on identified persons or households for research purposes. Consequently the present practice of destroying all records of names and addresses and of not entering into the computer record such names and addresses will be continued."

### **Director-Generals of Australian Archives have supported the destruction of census forms**

Since the **Archives Act, 1983** the Director-General of Archives has been responsible for making the decision to retain or destroy census forms.

In February 1994 the Director-General advised the ABS that:

"a disposal authority allowing the destruction of the name-identified Census records for the 1996 Census and beyond will be issued. If circumstances alter for subsequent Census records then these disposal arrangements can be reviewed".

This authority was given after the Director-General had conducted a review into the research value of name-identified forms from the 1996 Census and concluded that the value of the forms did not outweigh the Government's interest for an effective census. It should be noted that this authority covers censuses beyond 1996.

Similar reviews were conducted by the Australian Archives with respect to the 1986 and the 1991 Census forms. On both occasions the then Director-General concluded that the

census forms should be destroyed.

Perhaps it should be noted that throughout that time the Australian Archives Council consistently advised the Director-General that the census forms should be retained.

### **The Australian Statistics Advisory Council supports the destruction of census forms**

The Australian Statistics Advisory Council includes representatives of each Premier and Chief Minister, Federal Government, business, academics and community groups. The Council has discussed the destruction of census forms on a number of occasions and has declared its support for the current policy in its Annual Reports for 1978-79, 1980-81, 1988-89, 1992-93, 1993-94, 1995-96, and will again in the forthcoming 1996-97 annual report.

At its meeting in March 1997 the Council reaffirmed its strong support for the current policy of census form destruction. Council considered it unlikely that the benefits of retaining census forms would outweigh the privacy and confidentiality concerns that could be expected to arise. It also noted that little or no factual evidence has been produced to date to support a contrary view.

### **The previous Privacy Commissioner has supported the destruction of census forms**

The previous Privacy Commissioner, Mr Kevin O'Connor, has also consistently supported the ABS policy of census form destruction. In a letter to the Sydney Morning Herald, dated 12 July 1996, (Attachment 3), Mr O'Connor said:

"I have consistently supported, on privacy grounds, the longstanding government policy which is that the census forms are destroyed after the processing is complete.

The census asks for a wide range of detailed and in some cases sensitive personal information.

The Bureau of Statistics fully complies with the privacy principle that personal information should only be used for the purpose for which it is obtained, and this has contributed to a high level of community trust. If the forms were to be retained, that trust would most likely be significantly diminished, leading to a reduced level of accuracy, and undermining the important objectives of the census. It would also, in my view, be an undesirable intrusion into the privacy of all Australians. However strong the assurances initially given about confidentiality during a 'closed access' period, the Bureau would inevitably come under severe pressure to make exceptions for other public interests. There would also be differing opinions about the length of time before the forms were made available. ....The aggregate census results are of course already a major and valuable research resource. Long term access to identifiable details would be an additional use at the margin. In my view, the present policy strikes the right balance of public interests."

### **Australian Statisticians have consistently supported the destruction of census forms**

All Australian Statisticians since 1971 have strongly supported the policy on the destruction of census forms.

In an address to the Australian Archives Council in November 1995 (Attachment 1) the

current Australian Statistician, Mr W. McLennan, set out his views on the current policy. Mr McLennan expressed serious concerns that a possible adverse public reaction to the retention of name-identified census records would affect public confidence and trust not only in the census, but in other data collected by the ABS, and thereby affect public cooperation in the collection of official statistics. This would affect the quality not only of census data, but also of data from other ABS collections. A reduction in data quality from the census would diminish its value for these important purposes and possibly put some of them at risk.

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## **The Effect of Retention of Census Forms on the Quality, and Hence Value of Data from Future Censuses and Other ABS Collections**

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### **THE EFFECT OF RETENTION OF CENSUS FORMS ON THE QUALITY, AND HENCE THE VALUE OF DATA FROM FUTURE CENSUSES AND OTHER ABS COLLECTIONS**

#### **THERE IS SIGNIFICANT PUBLIC OPPOSITION TO THE RETENTION OF CENSUS FORMS**

In September 1996, shortly after the 1996 Census, AGB McNair was commissioned by ABS to conduct a survey into public attitudes into the issue of retaining census forms. A copy of the final report of that research is included as Attachment 2. The results of that survey, which are discussed in greater detail in Section 4, clearly show substantial public opposition to the retention of census forms, even though this research was conducted straight after a smoothly run census where privacy did not become a significant public issue.

Key findings of the research are:

- 89% of respondents agreed that "Census forms should be destroyed to protect people's privacy and confidentiality";
- 67% disagreed that "Census forms should be stored for release in future for research purposes";
- Between 34% and 45% said they would be less likely to complete a census form if forms were kept for release at some time in the future;
- Between 38% and 49% said the information on the census form would be less accurate if forms were kept for release; and
- 73% disagreed that "Researchers should be given access to Census forms including names and addresses".

These findings are consistent with the qualitative evidence obtained from ABS consultations with the community about the census, feedback from Census collectors and other empirical indicators of community attitudes to privacy and confidentiality, such as the increasing proportion of people and households opting to use privacy envelopes.

## **LESS PEOPLE WOULD BE COUNTED AND CENSUS DATA WOULD BE LESS ACCURATE**

The AGB McNair research found that between 34% and 45% of survey respondents said they would be less likely to complete a census form if forms were kept for release at some time in the future. Between 38% and 49% said the information on the census form would be less accurate if forms were kept for release.

This evidence suggests there is a likelihood of a significant "protest vote" should the current policy on census form destruction be changed. The "protest" could take the form of refusing to complete a form or providing false, inaccurate or even facetious answers. With such strong public opposition a non-response rate of 10% or more is possible. While the **Census and Statistics Act, 1905** provides for the compulsory provision of census forms and of accurate data, those provisions are unlikely to be sufficient to ensure an effective census in the face of widespread public opposition.

It must be remembered that the AGB McNair survey was conducted soon after the 1996 Census, the conduct of which ran very smoothly with no strong privacy campaign in the media. If there were a sustained campaign by civil liberties or privacy groups against the retention of census forms leading up to the next census then the level of non-response could be much higher.

## **RESPONSE RATES AND DATA QUALITY WOULD BE WORSE FOR SOME GROUPS IN THE COMMUNITY THAN FOR OTHERS**

The AGB McNair research indicates that while a decision to retain census forms might lead to a high level of non-response generally, the level of non-response and the accuracy of answers provided would vary according to geographic location, age, ethnic background, marital status and level of education.

A different level of non-response between various population groups would make the statistics less reliable. Many detailed analyses using census data could then be biased because the quality of information about some groups would be significantly better or worse than that provided for other groups. It would make interpretation of such results very difficult and could lead to poor or wrong options being chosen for resource allocation or service provision.

## **LOWER LEVELS OF PUBLIC COOPERATION IN THE CENSUS WILL LEAD TO LOWER QUALITY OF CENSUS DATA**

The main purposes of the census are to accurately measure the number of people in Australia on census night to provide a reliable basis to estimate the population of each State and Territory, and to provide information for small geographic areas and for small population groups.

Lower response rates in the census directly would lead to a less reliable base for the purpose of compiling population estimates. The ABS would then need to put greater reliance on the small survey conducted after the census (the Post Enumeration Survey) to adjust for the undercount and on other less accurate methods of population estimation - these alternatives probably would not be up to the task. Differing levels of response between States and Territories, or between various small geographic areas, would make the adjustment process even more difficult. This means that the accuracy of population

estimates would vary across States/Territories, and across other geographic regions.

[This should not be viewed as only a remote possibility. The lower level of cooperation in both the 1991 UK Census and its Post Enumeration Survey - thought to have been affected by the introduction of a poll tax - led to the 1991 Census count not being of sufficient quality to be used in the rebasing of the population estimates. The Office for National Statistics (ONS) is still having to rely on the 1981 Census as the base for its population estimates, moving them forward over what will be a 20 year period before the next census results are available, using cohort and other demographic analysis techniques and imperfect systems for estimating net migration. The ONS has set up a high level Steering Committee, which includes a representative from the ABS, to oversight the planning of the 2001 Census and the development of techniques and procedures to ensure this highly undesirable outcome does not recur in the 2001 Census.]

In like manner, lower response rates would mean that less accurate counts would be available on the characteristics of the population. A different level of non-response between States/Territories, between small geographic groups or between small population groups (whether that be migrant groups, low income groups, Indigenous people, people in specific occupations or industries etc) would mean that the statistics at these various levels would be less reliable. Many detailed analyses using census data could then be biased because the quality of information about some groups would be significantly better or worse than that provided for other groups. It would make interpretation of such results very difficult and could lead to poor or wrong options being chosen for resource allocation or service provision.

The quality of census data very much relies on householders providing accurate responses to the census questions. That is why all census questions are extensively tested to ensure that householders understand them and are willing to respond to them. The provision of inaccurate or false responses would be difficult to identify and, even if identified, would be difficult if not impossible to correct.

A worse case scenario is that the quality of the census statistics falls to such an extent that it is possible to release only limited data from the census. In that event not only the investment in the census (about \$148 million for 1996) would be wasted in part at least, but it would have a devastating effect on the primary uses of the census.

## **LOWER QUALITY CENSUS DATA COULD ADVERSELY AFFECT ELECTORAL REPRESENTATIONS**

A High Court decision in the Electoral Case (Attorney-General Cth; Ex rel. McKinlay v. The Commonwealth (1975) 135 C.L.R.1) held that the Constitution required that the population of the various States needed to be ascertained during the life of each ordinary Parliament for the purpose of determining the number of members from each State in the House of Representatives.

An opinion of the then Law Officers, Attorney-General (Mr Ellicott) and Solicitor-General (Mr Byers), on the High Court decision in February 1976 (Attachment 11) said:

".... it necessarily follows that the State's respective populations **be reliably determined** (emphasis added). For this some method of counting the population such as a periodical census is essential."

The Law Officers' opinion led to the provisions in the **Census and Statistics Act, 1905** which require 5-yearly censuses, and quarterly population estimates.



On the question of accuracy of population estimates in the context of quinquennial censuses, the Law Officers said:

"The temporal disparity between quinquennial censuses and triennial elections means that the statistical population estimates which are based on the antecedent census tend to become unreliable and thus to afford ground for a court to hold the number of each State's members in the Representatives is not in fact in proportion to its population."

The accuracy of State population estimates relies in large measure on the accuracy of the census counts. This accuracy would be directly threatened by reduced levels of cooperation in the census and/or biased responses. There is compelling evidence that the retention of census forms will lead to higher non-response rates in the census, perhaps even of the order of 10% or more if civil liberty and privacy groups mount a substantial privacy campaign. As a consequence, less accurate State and Territory population estimates will result.

The Law Officers' opinion would suggest that a reduction in the accuracy of State and Territory population estimates could afford ground for the High Court to hold that the number of each State's members in the House of Representatives is not in proportion to its population, as required by the Constitution. The consequences of such a serious possibility would need to be taken into account in any consideration of census form retention.

## **LOWER QUALITY CENSUS DATA COULD ADVERSELY AFFECT THE ALLOCATION OF FUNDS TO STATES/TERRITORIES AND TO LOCAL GOVERNMENT**

Under the **States Grants (General Purposes) Act 1994**, the Commonwealth Grants Commission bases its allocation of Commonwealth funds to the States/Territories on ABS population estimates. In 1997-98 the amount to be distributed is estimated at \$21 billion. If State/Territory population estimates are less accurate because of reduced or biased response in the census, the result is likely to be a misallocation of funds. Underestimating one State's share of the total population by just 0.1% (about 18,000 people) could reduce that State's allocation by \$21 million per annum.

In addition, the Commonwealth Grants Commission relies, in part, on census data to assist in its calculation of the disability factors for the States/Territories. Lower response rates, particularly different levels of response across States/Territories, and inaccurate answers to the census would make such calculations very difficult, if not undermine their accuracy.

Under the **Local Government (Financial Assistance) Act 1995**, population estimates at local government area level are also used to help determine the distribution of funds to local government authorities. Significant distortions in the allocation process could result if regional population estimates are inaccurate due to privacy concerns becoming an issue at census time.

## **LOWER QUALITY CENSUS DATA COULD ADVERSELY AFFECT OTHER USES OF CENSUS DATA**

While electoral determinations and allocation of State/Territory and Local Government grants are amongst the more important purposes of the census on a national scale, there are many other important uses of census data. The vast amount of small area and small population group data that the census provides is also used by a host of government and private sector organisations for a variety of purposes, including infrastructure planning,

service delivery, and program evaluation.

In 1993 a Commonwealth Interdepartmental Committee was established to review the census with the specific aim of considering options for reducing its cost. In the process the Committee considered some of the implications of measures that would produce less reliable census data. The Committee identified significant costs to such fundamental activities as designing and managing labour market, education and training policies, and urban planning.

These included:

- reduced efficiency of many resource allocation and service delivery programs if occupation and industry data from the census are affected; specific examples of such programs are vocational education and training, workforce planning of the Department of Health and Family Services and economic migration planning by the Department of Immigration and Multicultural Affairs,
- less reliable data on travel to work affecting decisions on urban planning and infrastructure development,
- impairment of the only comprehensive source of data on inter and intra-state population movements in Australia, and
- reduced efficiency in targeting of labour market programs (\$1.3 billion budgeted in 1993-94).

Further, the Committee found that a decline in accuracy of census data would produce a corresponding decline in the reliability of population survey benchmarks used by the ABS in all its household surveys, and hence in the quality of the survey data. The repercussions of this would be felt by the users of a great deal of the ABS's regular social and labour statistics including surveys such as the monthly Labour Force Survey, national surveys of health, income, expenditure, families, time use, and crime victims.

This view of the importance of accurate census information is widely shared by the Australian community. The release on 16 July 1997 of results of the 1996 Census prompted, amongst others, the following editorial comments on 17 July 1997:

The Age (Melbourne)

### **"Sense and the census**

..... at a time when Australian politics is increasingly about anxieties generated by a changing national identity, it is reassuring to have reliable data against which claims of politicians can be tested."

The Courier Mail (Brisbane)

### **"The changing picture of Queensland**

The latest census tells us many things we didn't know about ourselves, vividly outlines the challenges of the future, but also demonstrates the capacity of the state and the nation to adapt creatively and calmly to fairly massive demographic and social upheaval."

The Advertiser (Adelaide)

## **"A beautiful set of numbers**

The five yearly Census is one of the best public investments Australia makes. It pays for itself many times over in both the private and the public sector.

At the everyday human level its findings are engrossing, especially when tracked over time."

The West Australian (Perth)

## **"Census helps us to know ourselves**

Australia's census is an expensive institution which puts every citizen to some inconvenience every five years.

But it is a valuable device for allowing us to know ourselves. What emerges from the census as a collection of apparently dull statistics in fact paints the most accurate picture possible of contemporary Australian society.

The figures provide governments with the factual base they need for planning community services.

Governments at all levels can use the figures to tailor health, welfare, education, transport and other services to identified need.

But the figures have another purpose: they help us to understand what sort of society we live in and to see where we are heading. This helps to dispel damaging myths on which prejudices are built and to provide a factual basis for community debate.....

The Australian Bureau of Statistics has also produced figures that should get close attention from governments, .....

The census results have given governments a useful tool for meeting community needs. It is up to governments to make sure it is used properly."

## **THE ACCURACY OF MANY OTHER IMPORTANT ABS STATISTICS COULD BE AFFECTED**

There is no doubt that the quality and the high level of cooperation that the ABS receives in its statistical collections is based in no small part on the trust the respondents have in the ABS. The cooperation in the census, and indeed most statistical collections, is higher in Australia than in most other countries. This has contributed to the high international reputation of Australia's official statistics.

The ABS and its predecessor organisations have always attached a high priority to preventing the disclosure of personal information about identifiable individuals. Indeed, the confidentiality provisions of the **Census and Statistics Act, 1905** ensure that the ABS cannot release identifiable personal and domestic information.

ABS is proud of its record in maintaining the confidentiality of information that has been entrusted to it. As the Head of the Privacy Branch in the Privacy Commissioner's Office put it " the ABS is probably the only Commonwealth agency whose assurance of confidentiality means what they say ..... The ABS appears to have an excellent record in relation to this assurance" (Address to the Advisory Council on Australian Archives, 1991). ABS considers

this record is fundamental to the success of its continuing operations.

The trust respondents have in the ABS is based on whether or not the ABS does what it says it will do, especially with respect to confidentiality and security of the data it collects, and also on the perception respondents have in this regard. A change in what has been a fundamental tenet of census taking in Australia, the destruction of census forms, could impact quite unfavourably on this perception. Any diminution in the trust of respondents would impact unfavourably on the quality and level of response ABS receives not just in the census, but in all its statistical collection activities.

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## **The Privacy Concerns Relating to the Storage and Use of Name-Identified Census Data**

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### **THE PRIVACY CONCERNS RELATING TO THE STORAGE AND USE OF NAME-IDENTIFIED CENSUS DATA**

#### **PRIVACY IS A SENSITIVE ISSUE FOR MANY AUSTRALIANS**

Most people recognise that individual privacy is an important community issue. Because it is in the business of collecting information from persons, families and households, the ABS is conscious of the need to carefully balance these concerns for privacy against the community benefit that accrues from its statistical collections. Getting that balance right is essential for ABS if it is to continue to carry out its job effectively.

In 1971 the then Treasurer (Mr Sneddon) ordered that all census forms held by the ABS should be destroyed and that the forms from the 1971 Census should be destroyed as soon as statistical processing was completed. This action was prompted by privacy concerns following an extended public debate. This had been stimulated by the newly formed Australia Party, which had attacked the requirement for names and addresses on census forms, and by earlier publicity about anti-census campaigns overseas.

The public debate that took place in the 1980s about the Australia Card shows how easily the population's attitudes can be inflamed over privacy concerns. The debate probably served to raise public consciousness of privacy to a higher level than it had been previously.

More recently, the 1996 Census experience shows the ease with which privacy issues can be brought into the open. On 6 August 1996, census day, a UK based privacy activist appeared on the national 'Today Show' making a number of unfounded statements about privacy and the conduct of the Australian census. The message was clear, 'do not trust governments with your personal information'. Rebutting these claims was certainly assisted by the ABS being able to assure householders that census data would be kept confidential, that names and addresses would not be held on computers, and that the forms would be destroyed once the statistical information had been captured. Rebutting such claims would have been more difficult if the long standing practice of destroying census forms had just

been changed.

Market research, undertaken to support the development of public relations strategies and media campaigns conducted prior to each census since 1981 (eg McNair 1982, Ellicot and Shanahan 1991, 1996), has consistently shown that privacy and confidentiality remain one of the significant issues that needs to be allayed in the conduct of each census. In addition, feedback from ABS survey interviewers and census collectors, and letters to Ministers, Members of Parliament, the media and the ABS all indicate that privacy and confidentiality of personal information is a continuing concern.

Perceptions about the capacity of computers to store and manipulate vast amounts of information, and fears about data matching, contribute to this increasing concern. Fears about potential future mis-use of census information also will fuel these concerns.

As the former Privacy Commissioner Mr O'Connor put it

" However strong the assurances initially given about confidentiality during the "closed access" period, the Bureau would inevitably come under severe pressure to make exceptions for other public interests." (Sydney Morning Herald, 12 July 1996).

Examples of past mis-use and pressure on the US Census Bureau over the years to release confidential census data given later in this submission (Section 7.3), would only heighten these concerns.

In each census in recent years privacy and confidentiality have emerged as key public concerns. This has been reflected in an increased demand on the part of householders for additional guarantees of privacy. Many people seek privacy envelopes, while others mail back their forms rather than giving them to the census collector, even though this is not an option offered by the ABS. The number of census forms returned through the mail has increased from 57,000 in 1986 to 140,000 in 1996.

## **A RECENT SURVEY OF PUBLIC ATTITUDES SHOWS STRONG SUPPORT FOR THE DESTRUCTION OF CENSUS FORMS**

To gain an up-to-date assessment of people's attitudes towards privacy and the census, the ABS commissioned AGB McNair to conduct a survey shortly after the August 1996 Census.

The survey showed that 89% of people felt that census forms should be destroyed to protect people's privacy and confidentiality.

Some of the other significant results of the research are:

### **Names on computer records are considered a threat to privacy**

The majority of the general community aged 18 years and over is of the view that names and addresses should not be kept on computer records. Specifically,

- 79% agreed that **"Having names on computer records is a threat to privacy."**
- 76% agreed that **"For future Censuses names should not be kept on computer records."**

### **Future confidentiality of records is of concern to many people**

- 63% disagreed with the statement that **"Future governments can be trusted to honour guarantees of confidentiality made today regarding Census forms ."**
- 73% disagreed that **"Researchers should be given access to Census forms including names and addresses."**
- 67% disagreed that **"Census forms should be stored for release in future for research purposes"** while just under two thirds (63%) disagreed that they should be released after 100 years.

### **People are less likely to cooperate or provide quality data if census forms are retained**

- 34% said that they would be less likely to complete a census form if they were **"kept for release after 100 years for research purposes ."**
- between one third and one half said that if census forms were released in future, the information they would supply would be less accurate.
- the accuracy of data provided would suffer whether access to retained forms was provided immediately or after 100 years; 43% said that the information they would include on their census form would be less accurate if **"Census forms were made available for research purposes immediately after the census"**; 38% said that the information they would include on their census form would be less accurate if census forms were kept for release after 100 years.

### **Many disagree with keeping even limited information from census forms**

- 50% disagreed with keeping even limited information covering name, address, relationship and occupation from census forms for release in 100 years for research purposes

### **Most would not give a written authority for their census records to be kept**

- 88% said they would not sign an undertaking for their census form to be released to "anyone for any purpose."
- 64% said they would not sign an undertaking for release of their form for family history researchers.
- 57% said they would not sign an undertaking for their form to be released to medical researchers.

### **Risk of a negative media campaign - there is no second chance**

A census is a rare event, involving as it does the whole nation at one point in time. It is very dependent for its success on the support of the general public.

While being very valuable, censuses are expensive - in 1996 a \$148m exercise. There is no opportunity for a re-run should the census fail.

An important element in obtaining public support is a strong campaign throughout the

media. To this end a great deal of preparation goes into a national awareness campaign for each census. and close attention is paid to managing media relations. During the critical period when the media become interested in census issues, virtually everything about the census is locked into place. It is the culmination of several years' planning and preparation. Time is very short and the ABS is likely to have difficulty getting its case heard against any clamour of concern if issues of personal privacy are raised.

As a result the census is vulnerable to unfavourable media publicity. Public anxiety can be aroused, or allayed, depending on how sensitive issues, such as privacy and confidentiality and the use of data by the government, are handled in the media. Stories about 'lost census forms' often receive front page, headline treatment and have led, for example in 1991, to a current affairs TV show warning viewers that their privacy was at grave risk.

As an article in the New Zealand Archivist, December 1992 put it:

" Anti-census campaigns hit the agencies like big storms, blowing and disturbing everything. Censuses make easy targets because unlike any other sort of personal information system they are widely publicised and affect every person simultaneously."

Australia's 1976 Census suffered from a negative media campaign when certain elements of the print media ran a campaign about the intrusiveness of an expanded census form (further details are provided in Attachment 5). Privacy lay at the heart of the concerns. Participation in the 1976 Census was lower than in previous censuses and response rates for individual questions were generally worse. Although the effects were not serious enough to invalidate the census results, they were enough to warn of the vulnerability of the census to such publicity. As a result, the ABS made sure in future censuses that privacy concerns were addressed in the development of the content of the form and in the field operations, and allaying those concerns was a key element in the public relations strategy.

Overseas experience paints an even more disturbing picture. In Germany and the Netherlands in the 1980s censuses had to be cancelled; this demonstrates what can happen if public confidence in privacy and confidentiality is destroyed, even in countries where public attitudes to government access to personal information are quite sanguine.

In these circumstances it is a great benefit to be able to present simple and clear messages through the media. The current policy of destroying census forms provides a clear, unequivocal message that the census is for statistical purposes only and census information will not be used for administrative or other purposes now or into the future. This allows ABS to counter any negative campaign about privacy with a simple statement that all identified personal information is destroyed.

### **Householders raise privacy worries with census collectors**

Concerns about privacy in the Census, most often in the form of objections about having to provide names and addresses, are something that staff involved in collecting forms encounter regularly. For example, following the 1996 Census sixteen debriefing sessions were arranged, involving 156 collectors. In every session census collectors mentioned that confidentiality and privacy concerns were a key issue for the community.

### **Many people are concerned enough to telephone the census hotline**

The Hotline Inquiry Service, set up to help answer householders' concerns during the 1996 Census, handled many calls dealing with privacy issues. Of the 250,000 inquiries answered by the hotline, approximately 13% raised privacy, confidentiality or the need for names and addresses as concerns.

## **The previous Privacy Commissioner consistently supported the destruction of census forms**

ABS has made sure that census procedures that have implications for privacy are developed in full consultation with the Privacy Commissioner since the establishment of that Office.

The Privacy Commissioner's Office has consistently supported the practice of destroying Census forms as a step towards allaying public concern about privacy. The following are some of the comments of the Privacy Commissioner, and his Office, in recent years:

- **comment on 'ABS Views on Census Content and Procedures'**

"I am inclined to the view that past practice (of destroying census forms) has contributed to support in the wider community for the Census and that any change would lead to damaging speculation about the role of the Census. Moreover, it seems to me as a matter of practicalities that the historian/genealogist case for accessing Census records does not have the same strength today in an era of many databases of community information, as compared to the position in times past, when alternative databases to the Census were rare." (April 1993)

- **comment on 'Nature and Content of the Census'**

"I am pleased to note that the destruction of forms will again be authorised. I am also pleased to note that there will be no post-censal surveys using the Census to establish a sampling frame. I believe that ..... is likely to raise privacy concerns, as there may be pressure to retain identified forms for a longer period and there would be likely to be loss of public confidence in ABS assurances that identifying information is not retained ..." (May 1994)

- **comment on '1996 Census Information Booklet'**

"It is also pleasing to note the references to the destruction policy of the ABS as a further assurance that identified personal information is not kept by the ABS." (June 1995)

- **letter to the Sydney Morning Herald, 12 July 1996**

"I have consistently supported, on privacy grounds, the longstanding government policy which is that the census forms are destroyed after the processing is complete."

"The Bureau of Statistics fully complies with the privacy principle that personal information should only be used for the purpose for which it is obtained, and this has contributed to a high level of community trust. If the forms were retained, that trust would most likely be significantly diminished, leading to a reduced level of accuracy, and undermining the important objectives of the census. It would also, in my view, be an undesirable intrusion into the lives of all Australians. However strong the assurances initially given about confidentiality during the "closed access" period, the Bureau would inevitably come under severe pressure to make exceptions for other public interests. There would also be differing opinions about the length of time before the forms were made available."

"The aggregate census results are of course already a major and valuable research resource. Long term access to identifiable details would be an additional use at the margin."



In my view, the present policy strikes the right balance of public interests."

- **address to the Advisory Council on Australian Archives, 1991**

" The ABS is probably the only Commonwealth agency whose assurances of confidentiality mean what they say (ie. there are no exceptions to the general secrecy rule). The ABS appears to have an excellent record in relation to this assurance".

"It can be argued that the ABS is only able to maintain that position because of the fact that name-linked data is simply not available - if it was, then even if it were to be held by Archives, there would inevitably be increasing pressure for access on other public interest grounds - the Australian Law Reform Commission recommendation for medical research access before 75 years shows how a convincing case can always be made for exceptions to general rules." (Head of the Privacy Branch in the Commissioner's Office)

### **Requirements of the Privacy Act, 1983**

A change in the policy on destruction of census forms would require ABS to change some of its current procedures to conform with the Information Privacy Principles of the **Privacy Act, 1983**:

- householders would need to be told on the census form, or census information booklet, that identified records would be retained and fully informed of the purposes to which their information will be put.
- ABS would have to provide access for people to check their census record and, if appropriate, to correct it.

Under the **Census and Statistics Act, 1905** the only persons authorised to access census forms would be the householders or persons who actually filled in the forms. That could be one person or many in any particular household - the census information on a person may not have been provided by that person, but by another householder on his/her behalf.

The means of providing access, and of ensuring that access is restricted to those with the right to see particular records, would not be simple to formulate nor would they be cost-free. Also, it should be remembered that census forms cover all the people at a particular address on census night (which may include unrelated persons), and are stored by ABS according to their geographical location, not in alphabetical order, and certainly not in order of names. Questions of how to manage changes resulting from such access also arise.

### **International experience may not be relevant**

The ABS agrees with the conclusion of the Australian Archives Review of 1991 Census form destruction that:

" the degree of public sensitivity attached to the census in other countries can give no sure indication of similar reactions in the Australian context, because of differing conditions, social attitudes and policies which make each country unique to itself."

Although there are undoubted similarities between Australia and Canada, UK and USA where census forms are retained, there are important differences between them in public attitudes to privacy and in the application of privacy laws. The differences are such that no assumption should be made that Australia could simply adopt procedures from one or other

of those countries.

For example, Canada and the United States have Social Security or Social Insurance numbers which are required to be used for transactions with governments and business, and this is an accepted feature of daily life. In the United Kingdom, there is a continuing longitudinal study in which records from a sample of census respondents are matched with data from various administrative sources. It is difficult to envisage either of these situations being accepted without controversy in Australia, as was demonstrated by the Australia Card debate in the 1980's.

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## **The Value of Name Identified Records for Medical, Social and Genealogical Research Released after a Significant Period of Time**

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### **THE VALUE OF NAME IDENTIFIED RECORDS FOR MEDICAL, SOCIAL AND GENEALOGICAL RESEARCH RELEASED AFTER A SIGNIFICANT PERIOD OF TIME**

#### **VALUE FOR MEDICAL RESEARCH**

##### **ABS has received no demand in the past for census records for medical research**

As part of its consultation process for the 1996 Census (**ABS Views on Content and Procedures, Catalogue No 2007.0**), the ABS invited submissions from users on proposals for statistical uses of the information on the forms that may require their retention longer than normal. The ABS noted that to change the past practice of destroying Census forms:

a any proposal would need to have substantial community value to outweigh the concerns of the public regarding privacy and confidentiality which underlie current policies and practices, and

b any proposal would have to be for statistical purposes only.

No submissions supporting the retention of census forms were received from research institutes or organisations, epidemiologists or other members of the medical profession **despite ABS actively soliciting submissions for epidemiological research.**

Indeed, the NSW Health Department opposed census form retention in a submission to the ABS putting the view that "public confidence and the individual right to information privacy dictates the need to destroy forms once they have been committed to a computerised record". The Department also saw the quality of census data as paramount in fulfilling its information needs.

**Effective medical research requires record linkage and possibly, immediate/early**

## **access to census records**

Australian Archives has conducted evaluations of name-identified records from both the 1991 and 1996 censuses. In both these studies Australian Archives assessed the potential uses of census records for medical research but still concluded that census forms should be destroyed to ensure an effective census.

For example, the 1991 study (**p13, 1991 Census of Population and Housing: Report on Evaluation of name-identified records**) identified one of the techniques used to advantage as being record linkage. Record linkage is the linking of records on defined groups of people in order to identify an association between two or more factors or variables. Overseas census records (for instance, the United Kingdom and Scandinavia) have been used for some time to link the characteristics of people belonging to groups believed to be at risk with indexes containing information on health status. Such linkages are undertaken immediately after the census, not after a number of years.

The ABS is not aware of any medical outcomes or breakthroughs resulting from such record linkages overseas.

### **Genetic research relies on immediate access to census records and using census records as a population register**

ABS research suggests that the benefits of using census returns for genetic research overseas have rested solely in using the census to trace family relationships and to construct large family pedigrees (ie using the census records as a population register). The approach usually adopted is to trace back for several generations the ancestors of a patient diagnosed with a hereditary disease. Descendants of these ancestors are then traced so they can be identified and advised to consult with a medical practitioner.

Such research requires immediate access to the census forms and involves the following steps, even if the research goes back only one generation:

- a. use the patient's name to locate his/her census form from the latest census so the names of the patient's parents from the same form can be found;
- b. use the names of the parents from step a) to locate their forms from the census conducted perhaps, 20 years before the latest one, to find out the names of the patient's grandparents and then their siblings;
- c. use the names of the siblings from step b) to locate their forms from the latest census to find out the names and addresses of their children.

9. Leaving aside the significant ethical and privacy issues such research raises, the efficiency and effectiveness of such research methods are questionable. Names would be an inefficient key for matching, particularly as the matching generally has to be conducted involving census forms over a number of generations. This is compounded by the high mobility of the Australian population, with 50% of Australia's population changing addresses every five years. Even if a descendant's name and address could be found from the census forms, locating them via the census address is not certain, and would be very difficult and costly.

## **MATCHING CENSUS RECORDS WITH OTHER RECORDS RAISES SOME SIGNIFICANT PRIVACY ISSUES**

In its 1996 evaluation into name-identified census records (**p10, 1996 Census of Population and Housing Appraisal Report for the Disposal of Name-Identified Census Records**), Australian Archives said that:

"Overseas experience suggests that record linkage techniques are at their most effective when records:

- are held in a form which identifies individuals;
- are in a format which allows information from a variety of sources to be retrieved and linked ie electronic format; and
- are made available while the information is still relatively recent, most probably a period of between 5 and 20 years."

The report noted that "such provisions would appear to violate the general notion of privacy as it is currently defined by the Australian Government (and generally recognised by the community), in which case specific special access conditions would be required."

The AGB McNair research (see Sections 3 and 4 above) suggests that the general public would react negatively to a suggestion that individual named records from the census be matched with other administrative records, particularly soon after the census. Further, the Information Privacy Principles of the *Privacy Act, 1983* would require householders to be fully informed of such intended uses at the time the census is conducted.

### **A number of alternative sources of data is available**

The census data file is itself capable of supporting a wide range of medical research at the aggregate level. Census data can be customised for research by generating statistical tables from the electronic files kept in the ABS containing the census characteristics of persons and households (other than names and addresses) reported on census forms for the determination of target "at-risk" populations.

At the individual level, Australia has a wide range of data sources which can be used for medical research purposes, such as records of births, deaths and marriages as well as comprehensive hospital records and information available from Medicare and from the health funds.

Information can be obtained through specific studies or surveys of those individuals or groups of individuals in the selected target group or by recording relevant information in registers.

## **VALUE FOR HISTORICAL RESEARCH**

### **ABS has received no demand for census records for historical research**

In this context historical research refers to research conducted by professional historians and sociologists, as distinct from genealogical studies.

As part of its consultation for the 1996 Census the ABS received no submissions supporting the retention of census forms from historians.

While census records may provide some information of value for historical research for reasons set out elsewhere they would be difficult to work with. Of course, the availability of

masses of archival records no matter how valuable they may seem, is no guarantee that future researchers will use them.

A New Zealand archivist commented that he recalled

"bitter comments by an English archivist, that academic historians, while lobbying vigorously for retention by County Records Offices of late eighteenth-century court records, had made effectively no use of them whatever. Yet these voluminous records are the nearest thing to a demographic profile of the ordinary people...of Georgian England...How valid are the claims that census schedules (as opposed to the statistical data) would be of great use for social science research...?" (p 2, Mark Stevens, *New Zealand Archivist* Vol III No. 4, 1992).

## **VALUE FOR GENEALOGICAL AND SOCIAL RESEARCH**

### **ABS received a number of similar submissions from genealogists**

As part of its consultation process for the 1996 Census, the ABS received a large number of similar submissions supporting the retention of census forms from family historical societies and genealogists. These argued that census forms should be retained for social and genealogical research.

One submission, from the Australian Society of Archivists Incorporated, argued for the retention of census forms for research for 'many disciplines and genealogy'. It supported the argument of retention through the use of census data overseas for research in many fields, such as demography and the medical profession; 'the argument is particularly compelling in the area of epidemiological research'. This and other similar submissions did not, however, provide specific examples or possible applications.

Those submissions criticising the destruction of census forms failed to explain:

- why it is necessary to retain census forms for pursuing this research
- what information on the census forms, over and above that which is available from existing sources, is vital, as opposed to desirable, for conducting this research, and
- the value of this research to the community, as opposed to the private benefit of the genealogist.

### **A number of alternative sources of data are available**

Unlike many other countries, Australia benefits from a diverse range of alternative and comprehensive data sources which are available now or which will be available for use in genealogical and family history research purposes into the future.

These include records of births, deaths and marriages, electoral rolls and telephone directories. Information available from these sources includes, where appropriate, the names of individuals, age, sex, name of parents and/or children, including mother's maiden name, usual residence, marital status, and occupation of individual and parents.

There are numerous other potential sources of information which are of potential significance to genealogical researchers, which include the following:

adoption files  
business records  
cemeteries and cemetery records  
directories and almanacs  
educational institutions  
existing genealogical charts  
hospital and asylum records  
inquests  
insolvency and bankrupt files  
land records  
local government documents (including rate books and building approvals)  
local historical societies  
manuscripts, letters, diaries  
maps, gazettes  
newspapers  
occupational records  
parish registers  
published family histories and bibliographies  
published local histories  
research directories and indexes  
shipping logs  
wills, probates and letters of administration; and  
undertakers and monumental mason's records.

Numerous records are kept by the respective State Archives and by Australian Archives, such as old files of government departments, lists of immigrants, naturalisation papers and land records.

In addition, genealogists and family historians can create records of their own family trees using methods adopted in other cultures (such as the Chinese) so these records can be passed on to future generations for them to trace their roots.

The plethora of research sources suggests that the value of using the census as an additional source in 75/100 years time is unlikely to be large, certainly not enough to justify undermining the effectiveness of the census for the immediate future.

This has been well summarised by a New Zealand archivist, who said in 1992 that:

"Archivists should consider carefully the views of the statistical agencies and of privacy advocates. In selecting for preservation a record which reflects today's values, it should be recalled that those values include: a society which provides services for its citizens which are dependent on good statistics for their delivery; and a respect for individual privacy in the face of a growing actuality of intrusion in many fields into the lives of citizens." **(p 4, Mark Stevens, New Zealand Archivist Vol III No. 4, 1992).**

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## The Cost of Retention

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# THE COST OF RETENTION

## INTRODUCTION

The costs of archiving census forms is a matter for Australian Archives to advise. However, there are some practical and logistic issues associated with the storage of census forms, and the associated costs, that need to be considered. The retention of census forms will also involve significant additional costs to the ABS to conduct the census.

## ISSUES WITH THE STORAGE OF CENSUS FORMS

### **Retention of original census forms is not feasible**

The sheer quantity of census forms renders this option not feasible. The next census alone will involve about 8 million household forms and 1 million personal forms. To store the forms from just this one census in bulk would require more than 120 shipping containers.

The deterioration that paper experiences over time also rules this option out. Census forms are not printed on archival quality paper.

### **Micro-filming is expensive and micro-filmed records are difficult to search**

Significant costs would be incurred in preparing the census forms for micro-filming. A 1988 report from Australian Archives suggests that at the time the cost of micro-filming alone would be around \$2 million.

Microfilm is not an efficient medium for the searching and location of name-identified records. This would be particularly so if the forms were not first sorted in some way to facilitate future access. It should be remembered that:

- census forms are not sorted by address order nor alphabetic order of names. In fact, as a census household form can contain up to six persons, it is not possible to sort the census records alphabetically by name without transcribing the data completely.
- the census form contains information for all persons at a particular address on census night, not all persons usually resident in a household/family.

### **Electronic collection or electronic capture of forms in future censuses may provide a better alternative**

Although ABS has no plans to electronically collect census information from householders (eg through the Internet) or to electronically capture the census forms in future censuses, it is likely both will be considered at some stage. Were this feasible and cost effective for other census purposes then the costs of retaining identifiable information would fall.

### **Technology has built-in obsolescence**

As the rapid changes in technology this century demonstrate, technology can get out of date quickly. There is no guarantee that today's technology will be available to access the census records when they are out of the closed period. Whatever storage medium is chosen it will need to be maintained for many more than 100 years.

## **ADDITIONAL COSTS TO THE CONDUCT OF THE CENSUS**

### **Additional costs of informing the public**

The retention of census forms will involve significant additional costs to the ABS in informing the public of the uses that will be made of their census record, as required by the Information Privacy Principles of the **Privacy Act, 1983**. This change in practice will have to be upfront and explicit for people to be appropriately informed and is likely to generate significant interest at the time of the next census. To ensure a successful census explaining the change cannot be at the expense of other elements of the census communications strategy (eg explaining the purpose of the census), so substantial extra costs would be incurred.

### **Additional cost of collecting the data**

Given the significance of a decision to change the longstanding policy on census form destruction, it would be expected that collection staff would have a more onerous job while delivering and collecting census forms. This could occur by collectors having to explain the reasons for the change in policy and what it means, and having to deal with public resistance to providing a completed census form.

This would require:

- significant extra training of all levels of collection staff - an additional thirty minutes of training for census staff would cost around \$0.3 million.
- extra time required on the doorstep. Each extra minute spent by census collectors at each household, addressing householders' concerns, would cost \$1.5 million. While not all householders may wish to discuss the issue if only 5 minutes extra is spent at every second household, additional salary payments of around \$3.75 million would be incurred.
- additional follow-up action. Refusals to complete a census form necessitate expensive follow-up action to try and convince people to complete their form. It is estimated that follow-up action for a 10 percentage point increase in non-response rate, which would involve up to 600,000 households, could cost as much as \$30 million.

## **OTHER ADDITIONAL COSTS**

### **Long term administration and management of stored records involves considerable cost**

Long term storage in a controlled environment would be required to prevent deterioration of the records, whatever storage medium is used.

Of crucial importance are the safety and confidentiality of stored records from mis-use, fire and burglary. Appropriate measures would need to be implemented and assured to the Australian public that the records are safe from incorrect usage or harm over the entire retention period.

Arrangements would also have to be put in place to provide a right of access by respondents to inspect records held of them and to amend these records where they are



considered by them to be wrong, as required by the **Privacy Act, 1983**. Such access arrangements are likely to be very expensive as significant clerical effort would be required to allow for the retrieval, inspection, amendment and archival of the records, even if only a small proportion of the population avails itself of the opportunity.

Appropriate procedures would need to be devised for researchers to access the records, after 75/100 years, and these procedures implemented and managed on an ongoing basis.

### **User pays principle should apply to researchers**

Government policy is towards the application of the user-pays principle. Given the significant additional costs that would be incurred should census forms be retained, the cost per individual access is likely to be very high if those costs are to be recouped. Indeed, the cost is very likely to be outside the reach of most researchers.

Failure to apply user-pays principles would, in effect, mean that genealogists given access to the forms would be benefiting from a substantial government subsidy to support what is essentially private research.

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## **Overseas Practices**

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### **OVERSEAS PRACTICES**

#### **INTRODUCTION**

This section discusses census practices in some countries of similar cultural backgrounds to Australia. It also relates some potential misuses of census information this century in the US, where census forms are retained.

#### **It is difficult to compare Australian census practices with other countries which differ in their legislative requirements and public attitudes to confidentiality**

A survey conducted in 1988 of many overseas countries by Australian Archives and the ABS to assess current practices for the disposal, storage and use of census records as well as public opinion and legislative conditions governing census records, found no definitive or consistent practices (**p6, 1991 Census of Population and Housing: Report on Evaluation of name-identified records** ).

The report comments:

"A great diversity of census practices was observed...which makes it difficult to draw parallels between current overseas and Australian practices. Significant differences are evident in matters such as:

- the retention or destruction of the records
- legislative requirements regarding access, including secondary uses
- concerns about confidentiality
  
- whether pressure for change to retention practices exists

- format and arrangements of retained records."

It is difficult to compare Australian census practices with other countries which differ in their legislative requirements and public attitudes to confidentiality and privacy. Likewise, it cannot be assumed that a practice of form retention, which is accepted within one country, will be accepted by Australians. Different conditions, social attitudes and policies make each country unique to itself. The degree of public sensitivity attached to the census in other countries can give no indication of similar reactions in the Australian context.

### **Overseas practices are mixed**

Census forms are destroyed not only by Australia, but also within countries such as New Zealand, Japan, Malaysia, Hong Kong, Italy and the Federal Republic of Germany. New Zealand has recently reversed its previous policy of form retention and will destroy census forms from their 1996 census. Canada recently decided not to retain its 1996 Census forms due to the high costs of microfilming.

A number of Western countries, such as the United States, United Kingdom, France, and Sweden retain at least some of their census forms. These countries generally restrict public access for extended periods of 70 to 100 years, for example, 100 years in England and Scotland.

### **United Kingdom**

Censuses in the United Kingdom are held every ten years. Original census forms in the United Kingdom are held indefinitely, although there is no specific provision in the Census Act to do so. In the 1991 UK Census the public was advised by the Registrar General that "the forms will be kept securely within my Office and treated as confidential for 100 years". This form of words covers the selection, within the Office for National Statistics, of a sample of identified census records, based on birth dates, that is matched over time with various administrative files such as birth, death and medical records. A resulting file of de-identified individual records is then released for epidemiological research.

Under the terms of the Lord Chancellor's Instrument No.12, the records for England and Wales are closed to public inspection for 100 years. Similar arrangements apply in Scotland. Under current law, access is not provided to census forms in Northern Ireland (no Northern Ireland census records are as yet more than 100 years old).

In England and Wales, returns for censuses prior to 1901 are held by the Public Record Office. The returns for the 1901 and 1911 are also held by the Public Record Office, on behalf of the Registrar General. Though these are closed to the public, limited access in certain circumstances is granted. The returns for subsequent censuses (except the 1931 and 1941 censuses) are held by the Office for National Statistics, and no access whatsoever is granted.

In Scotland similar limited access to the returns is granted for the censuses for 1901-1931. All subsequent records are kept strictly closed.

In Northern Ireland, the census forms are not retained by the Registrar General but are handed over to their Public Record Office after processing has been completed. They are nevertheless kept strictly closed.

Privacy concerns in the United Kingdom adversely affected both the 1971 and 1991 censuses. During Great Britain's 1971 census, there were public demonstrations against the census:

"...there were public demonstrations against questions about place of birth and parents' place of birth, which inflamed the politically volatile topic of ethnicity. Protesters destroyed census forms in public. These protests were not sufficient to disrupt the census, however, which was completed" (**p3, Census Working Paper 91/3, Ian Castles, 1991**).

Fears about the possible use of the census for checking against community charge registers (the poll tax) are blamed for a poor response rate in the 1991 Census. The poor response rate led to the 1991 Census results not being used as the basis of estimates of the population - the 1981 Census is still relied on.

## **United States**

Census are conducted every ten years in the United States.

The United States retains micro-filmed copies of its census forms and keep them confidential for 72 years, with the exception of an "age-search" function provided to help individuals verify their age. Micro-filmed copies of the census forms are made as they are received in the various field offices of the Bureau of the Census and are not sorted or indexed - this will make the tracking down of particular forms very difficult. The micro-filmed copies are then transferred to Archives about 2 years after census day. The original census forms are destroyed.

### **Before 72 years**

Before the 72 year release period, census information is only available for the age-search function (a way for older people to verify their age) and only to the individuals who provided it and their heirs or authorised agents. For a small fee, the Age Search Service will search old census records and issue a certificate which has legal standing and substitutes for a birth certificate which either never existed, has been lost or has been destroyed. People need them to qualify for retirement, for Social Security, for Medicare, to get a passport, and many other uses.

Part of the original reason for the retention of census forms, decided many years ago, was for the age search function. Since the 1940's, however, birth registration completeness has been very good. While there are still a number of people born before the war who do not have birth certificates, this number is steadily declining and it is expected that the requirement for the use of census records for this purposes will decrease sharply over the next 20 to 30 years.

Access to census records within the 72 year period is not provided to people attempting to trace families for medical or family history reasons, to law enforcement agencies seeking evidence, to attorneys looking for unknown heirs or to people seeking information about their natural parents.

### **After 72 years**

Title 44, United States Code, enables the Archives to release identified census information for genealogical purposes, in accordance with an inter-agency agreement providing protection of the information from disclosure for 72 years after the census.

In the 1990 United States Census the public was advised that "for 72 years - or until the year 2062 - only Census Bureau employees can see your form."

## **Effect of retention on data quality**

There are concerns in the United States about the effects of form retention on data quality. Research undertaken by the Bureau of the Census to investigate the effect of privacy and confidentiality concerns has shown some significant differences in response behaviour.

The United States has had other problems with its census. The Bureau of the Census admits that the 1990 Census was the least accurate in its history. Up to 18.7 million people were not counted in the census although, due to double counting etc, the net underenumeration was 4.7 million. There was also a large and persistent differential in undercounts between the black and non-black populations.

It is not possible to say how much of these problems was caused by growing community concerns about privacy and the United States' policy of census form retention.

### **Some mis-uses of census information**

Several attempts to breach guarantees of confidentiality were made during World Wars 1 and 2 in the United States, in order to gain access to personal details on age and race. The following quote from Vincent P. Barabba, ex-Director, Bureau of the Census (**The Right of Privacy and the Need to Know, 1974**), elaborates:

"Between 1900 and the mid-1920's, there were authorised releases of individual data considered proper that today would cause a storm of protest in the press, in the courts, and in Congress. As far as we know this practice caused no such outcry then. I say as far as we know because complete records do not exist.

We do have some information on one case which demonstrates the type of situation in which it was considered proper in the past to release data about individuals. This occurred in 1918, during World War One. Congress has passed a War Powers Act, and presumably this was the basis for such an extreme use of census data. Information about individuals was given to the Department of Justice for use as evidence in prosecuting young men who claimed they were too young to register for the draft. While we do not know the exact circumstances surrounding the release, we do know that personal information for at least several hundred young men was released to courts, draft boards, and the Justice Department.

The Bureau stopped such releases during the 1920's, a position which was made official in 1930 by an opinion from the Attorney General. His opinion said that even the name and address of an individual is confidential.

Now we jump to 1941. It's hard to imagine now, but with World War Two underway, there was near hysteria about the Japanese-Americans living on the West Coast - emotion which led to one of the most embarrassing moments in US. history, the internment of large numbers of these loyal Americans. At the height of this feeling, the Secretary of War requested that the Census Bureau supply the names, addresses, and ages of all persons of Japanese extraction living on the West Coast. This time - in spite of the national emergency - the Bureau held to its position on confidentiality of individual records and refused. The Bureau did supply summary data at the tract level, which is now part of the regular publication program.

In 1947, during the rising concern about possible communist infiltration and sabotage, the attorney general requested information about certain individuals in census records on behalf of the FBI. Again, the request was denied."

While it is hard to imagine that similar scenarios could ever occur again, it serves to demonstrate the demands that could potentially be made of name-identified census records if they are kept. It is always possible for governments to change the law in order to obtain access to identified census information for a variety of purposes.

## **Canada**

Canada has recently reversed its previous policy of census form retention, deciding to destroy the 1996 Census forms. In 1995, the Canadian National Archives authorised the destruction of all 1996 Census paper returns provided that the Dissemination Database (of unidentified, anonymous records) to be created from the 1996 returns is maintained according to archival specifications for long-term retention.

The Canadian policy had been in place for over 75 years. The decision was based on the high costs of microfilming the forms. The 1996 Census forms will be destroyed without being micro-filmed.

ABS understands that the position with future Censuses has not yet been determined.

## **New Zealand**

New Zealand has recently reversed its previous policy of census form retention, deciding to destroy the 1996 Census forms.

The New Zealand policy of retention was first introduced in 1966 and today census records from the censuses of 1966, 1976 and 1986 are retained. The decision to change to a policy of destruction of 1996 Census forms was taken, after vigorous public debate, to support the assurance of confidentiality given in the census.

The passage in 1993 of the Privacy Act had heightened public awareness of the issues and was surrounded by a greatly increased awareness on the public's part of the information held about individuals by government agencies and the possibility of that information being exchanged among such agencies.

The Government Statistician believed that the change in public perception could compromise the management of an effective census in 1996. He noted that

"Public support is essential for conducting a successful census, and a crucial way of retaining this support is to give an unqualified guarantee that individual records will remain confidential to Statistics New Zealand."

In announcing the decision, the Government Statistician said **(Media release 18 December 1995):**

"The 1996 Census forms will not be kept as archives as this census to be held on 5 March [1996] is being undertaken at a time of heightened awareness of privacy issues. Privacy legislation also places an obligation on agencies to ensure that each individual has an awareness of the purposes for which the information is being collected.

Statistics New Zealand would not risk adverse reaction to the 1996 Census by raising on the census form the issue of retention."

## France

The policy regarding census archives in France is made in consultation with the National Archives of France. The National Committee on Informatics and Privacy has also been concerned about census privacy since its creation in 1978.

The position adopted in France is:

- a. no access before 100 years;
- b. only a sample of forms to be archived;
- c. sample drawn on a geographic basis (whole cities) for practical reasons and to provide future researchers with contextual information; and
- d. same sample for the four last censuses.

The Archives in France has questioned whether there is justification for the financial cost of retaining the records given the considerable amount of paper to be kept (the original paper forms are retained). While a final decision for future censuses has not been reached, Archives have concluded that to scan all the forms would be much too expensive.

## The Netherlands

In 1971 a public campaign led to the destruction of that year's census forms in the Netherlands. A number of action groups arose in Amsterdam and in university towns to challenge the census. Noting that the census answer booklet was printed on punch cards and that the census was linked with municipal registers, protesters said that the individual was endangered, that the computerisation of the census marked the arrival of Big Brother. Extensively covered by the mass media, the protest spread and "resulted in a high level of non co-operation" (**p2, Census Working Paper 91/3, Ian Castles, 1991**).

Among the responses of the Dutch government to this anti-census campaign were a decision to destroy the identifiable records from the 1971 census and an indefinite postponement of the census which had been planned for 1981.

On present indications, there will be no more traditional censuses in the Netherlands. Instead, population register data is used to prepare population counts and some limited population characteristics for districts and municipalities.

## West Germany

In (then) West Germany, a substantial campaign of opposition to the 1983 Census led to the cancellation of that census because of public concerns about protection of privacy. West Germany subsequently passed a law making the destruction of census forms mandatory.

The issue arose in late 1982, when at a large peace rally, the organisers distributed flyers advising that if the government would not tell people where US missiles would be based, then the people should not tell the government about themselves in the census. In the next months, similar rallies elsewhere included the same statement and flyers. The missiles, not the census were the focus at that time.

In 1983, however, the census issue heightened, with the Green Party using the census as a

vehicle for attacking "government agencies' increasing appetite for computer data files on individuals". The Party charged that various agencies and levels of government planned to use census data to identify and expel illegal aliens, to identify and enlist illegal draft dodgers, to locate tax evaders and to ferret out persons illegally benefiting from various government programs (**p4, Census Working Paper 91/3, Ian Castles, 1991**).

"All such information would be very dangerous, indeed, in the hands of "post-democratic" government, or indeed, in the hands of current government ministries interested in more efficient operation of their programs."

Influential media got behind this issue, and opposition spread. Finally, Germany's Constitutional Court ordered the government not to hold the census.

After the most intense parliamentary debate, the outcome was a new law - the Population Law 1987 - which called for a census on 25 May 1987 and explicitly provided for the destruction of census forms (**p6, Census Working Paper 91/3, Ian Castles, 1991**) :

" the survey forms...will be destroyed as soon as possible and at the latest two weeks after the official lander (State) figures have been determined. It also provided that all respondents were to be notified in writing of the arrangements for destruction of the forms and deletion of identifiable data."

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## Attachments

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### ATTACHMENTS

(Most not included here - available from ABS in hard copy)

1 Mr Bill McLennan's speech to the Australian Archives Council

2 AGB McNair Report

3 Privacy Commissioner's letter.

4 How Australia Takes a Census

5 Sir William Cole's paper in the Australian Journal of Statistics

6 Commonwealth Treasury, Press Release No. 28, "Destruction of Census Forms", 1 June 1971

7 Ministerial Statement to Parliament of 20 November 1979

8 Ministerial Statement to Parliament of 25 February 1985

9 Ministerial Statement to Parliament of 4 May 1989

10 Ministerial Statement to Parliament of 20 September 1994

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## Conclusion

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### CONCLUSION

The evidence shows there is significant public opposition to the retention of census forms. This evidence also shows that if census forms were kept, the cooperation of the public in terms of the level of response in the census and the quality of data provided would suffer.

Very serious implications follow for all users of census data and other official statistics, particularly for users of population estimates. Serious impacts would be likely on electoral redistributions, on the distribution of funds to the States and Territories, and for the host of government and private sector organisations who use census data for a variety of purposes, including infrastructure planning, service delivery, and program evaluation.

The value for research purposes of retaining census forms is tenuous, at best.

Many judgements have been made over the years supporting the destruction of census forms by:

- the current and previous Director-Generals of Australian Archives, following independent investigations of the value and costs of retaining census forms from the 1986, 1991 and 1996 Censuses,
- successive Federal Governments, starting with a decision by Mr Sneddon in 1971 and including a decision in 1979 by the then Treasurer, Mr Howard, to reject a recommendation from the Australian Law Reform Committee for census form retention,
- the previous Privacy Commissioner,
- the Australian Statistics Advisory Council, and
- all recent Australian Statisticians.

In authorising the destruction of 1996 Census forms the Director-General of the Australian Archive also authorised the destruction of forms from future censuses in the following terms:

"A disposal authority allowing the destruction of name-identified records for 1996 and beyond will be issued. If circumstances alter for subsequent Census records then these disposal arrangements can be reviewed".

In the view of the ABS, there have been no significant changes in circumstances which would warrant any change in the current policy of census form destruction. Indeed to the contrary, the AGB McNair research conducted after the 1996 Census suggests community



opposition to any change in policy is now stronger than ever.

The ABS strongly holds the view that all information in the form of name-identified or identifiable documents containing information collected under the **Census and Statistics Act, 1905** should be defined as exempt from the provisions of the Archives Act. The retention of census forms or identified statistical records raises significant privacy issues. The retention of census forms would also have a significant impact on the capacity of the ABS to conduct an effective census, and indeed all its other statistical collection activities. For these reasons the ABS considers that decisions on the destruction or retention of census forms are matters for the Government and the Parliament.

ABS considers the best way of ensuring this is for:

- the **Archives Act** to be amended to exempt all confidential information obtained pursuant to the **Census and Statistics Act, 1905**, and
- the **Census and Statistics Act, 1905** to be amended to make it mandatory for census forms (and other statistical forms) to be destroyed after the statistical data have been extracted.

**Australian Bureau of Statistics**  
**July 1997**

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